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Akio Higashi

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EXAMINER

KEEHN, RICHARD G

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/786,114	Applicant(s) HIGASHI ET AL.	
	Examiner Richard G. Keehn	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/26/2004 & 5/17/2004 & 6/7/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-30 have been examined and are pending.

Claim Rejections - 35 USC § 101

- 1) 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- 2) Claims 29-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A program, without being embodied on physical computer readable media and executing is non-statutory. Said program is not a process, machine, article of manufacture or composition of matter.
- 3) Claims 1 and 24-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. An apparatus, without being embodied in physical form, is non-statutory. Said apparatuses, as presented in the claims, are not necessarily a process, machine, article of manufacture or composition of matter. Page 89 of the specification recites the embodiment as streaming contents, which is a signal, and not a process, machine, article of manufacture nor composition of matter.

Claim Rejections - 35 USC § 112

- 4) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 5) Claims 1, 15-16 and 24-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to Claims 1 and 24-30, the limitations include the phrase "temporal scale." There is insufficient antecedent basis for this limitation in the claims. Neither the claims, nor the specification clearly define what a "temporal scale" represents and how it is used in the invention.

As to Claim 15, the limitation includes the phrase "the special playback section." There is insufficient antecedent basis for this limitation in the claim. "*The* special playback section" does not appear in any of the parent claims.

As to Claim 16, the limitation includes the word "colleting." There is insufficient antecedent basis for this limitation in the claim. Examiner assumes the applicant meant "collecting" and will proceed with the examination based on that assumption.

Claim Rejections - 35 USC § 102

- 6) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7) Claim 1-2, 15 and 21-30 are rejected under 35 U.S.C. 102(b) as being anticipated by US 2002/0069218 A1 (Sull et al.).

As to Claim 1, Sull et al. anticipate a content history log collecting system comprising:

a server apparatus for distributing a content to a terminal apparatus and collecting a content history log from the terminal apparatus and a terminal apparatus for using the content,

wherein the server apparatus includes:

an adding unit operable to add, to the content, time information indicating a temporal scale of the content (Sull et al. – Page 7, paragraph [0064] recites the server's calculation of the bookmark position based on the characteristics of the client device. Page 1, paragraph [0008] recites a bookmarked position that indicates a point on a relative time scale of playback of the media from the start point of playback of the media content); and

a content sending unit operable to send, to the terminal apparatus, the content to which the time information is added (Sull et al. – Page 7, paragraph [0064] recites the server sending multimedia data with bookmarks including temporal information to the client. Page 1, paragraph [0008] recites a bookmarked position that indicates a point on a relative time scale of playback of the media from the start point of playback of the media content);

and the terminal apparatus includes:

a content using unit operable to use the content sent from the server apparatus (Sull et al. – Page 7, paragraph [0064] recites the server sending multimedia data with bookmarks including temporal information to the client which uses the multimedia data);

a generating unit operable to generate section information indicating a section in the content that has been actually used by the content using unit based on the time information of the content (Sull et al. – Page 7, paragraph [0060] recites the client creating bookmarks on the media content, said bookmarks including temporal information); and

a sending unit operable to send the section information to the server apparatus (Sull et al. – Page 7, paragraph [0060] recites the client sending the bookmark to the server).

As to Claim 2, Sull et al. anticipates the content history log collecting system according to Claim 1, wherein the generating unit includes:

a first detecting unit operable to detect a value of time information obtained when the content using unit starts using the content as starting time (Sull et al. – Page 7, paragraph [0060] recites the client creating bookmarks on the media content, said bookmarks including temporal information. Said temporal information point to a relative position as calculated from the start time of the media playback);

a second detecting unit operable to detect a value of time information obtained when the content using unit finishes using the content as ending time (Sull et al. – Page 7, paragraph [0060] recites the client creating bookmarks on the media content, said

bookmarks including temporal information. Said temporal information point to a relative position as an end position for that segment of time as calculated from the start time of the media playback); and

a creating unit operable to create the section information based on the starting time detected by the first detecting unit and the ending time detected by the second detecting unit (Sull et al. – Page 7, paragraph [0060] recites the client creating bookmarks on the media content, said bookmarks including temporal information. Said temporal information calculated from the start time of the media playback to the endpoint of the desired bookmark).

As to Claim 15, Sull et al. anticipate the content history log collecting system according to Claim 2, wherein the generating unit generates the section information excluding the special playback section in the case where content special playback is performed in the content using unit (Sull et al. – Page 7, paragraph [0060] recites the client creating bookmarks on the media content, said bookmarks including temporal information. The bookmarks may be placed anywhere, whether within the special playback section or not).

As to Claim 21, Sull et al. anticipate the content history log collecting system according to Claim 2, wherein the server apparatus further includes:

a holding unit operable to hold the value of time information in a content head as head time (Sull et al. – Page 7, paragraph [0060] recites the client creating bookmarks

on the media content, said bookmarks including temporal information. Said temporal information point to a relative position as calculated from the start time of the media playback); and

a specifying unit operable to specify a section for use obtained as a relative location with respect to the content head based on the section information and the head time sent from the terminal apparatus (Sull et al. – Page 7, paragraph [0064] recites the server's calculation of the bookmark position based on the characteristics of the client device).

As to Claim 22, Sull et al. anticipate the content history log collecting system according to Claim 2, wherein the adding unit adds, to the content, the value of the time information in a content head as head time, the creating unit specifies a section for use obtained as a relative location with respect to the content head based on the head time, the starting time and the ending time, and the section information indicates the specified section for use (Sull et al. – Page 7, paragraph [0064], coupled with Page 7, paragraph [0060] recite the server's calculation of the bookmark position based on the characteristics of the client device and start and end times).

As to Claim 23, Sull et al. anticipate the content history log collecting system according to Claim 2, wherein the adding unit adds, to a content, the time information that has at least a value obtained as relative time from the content head, the creating unit specifies a section for use obtained as a relative location with respect to the content

head based on the starting time and the ending time, and the section information indicates the specified section for use (Sull et al. – Page 7, paragraph [0064], coupled with Page 7, paragraph [0060] recite the server's calculation of the bookmark position based on the characteristics of the client device and start and end times).

As to Claim 24, Sull et al. anticipate a server apparatus for distributing a content to a terminal apparatus and collecting a content history log from the terminal apparatus, including:

an adding unit operable to add, to the content, time information indicating a temporal scale of the content (Sull et al. – Page 7, paragraph [0064] recites the server's calculation of the bookmark position based on the characteristics of the client device. Page 1, paragraph [0008] recites a bookmarked position that indicates a point on a relative time scale of playback of the media from the start point of playback of the media content);

a content sending unit operable to send, to the terminal apparatus, a content to which time information is added (Sull et al. – Page 7, paragraph [0064] recites the server sending multimedia data with bookmarks including temporal information to the client. Page 1, paragraph [0008] recites a bookmarked position that indicates a point on a relative time scale of playback of the media from the start point of playback of the media content); and

a receiving unit operable to receive section information indicating a section in the content that has been actually used in the terminal apparatus based on values of the

time information (Sull et al. – Page 7, paragraph [0060] recites the client sending the bookmark to the server).

As to Claim 25, Sull et al. anticipate a terminal apparatus for using a content distributed from a server apparatus, including:

a content using unit operable to use a content to which time information indicating a temporal scale of the content is added (Sull et al. – Page 7, paragraph [0064] recites the server sending multimedia data with bookmarks including temporal information to the client which uses the multimedia data. Page 1, paragraph [0008] recites a bookmarked position that indicates a point on a relative time scale of playback of the media from the start point of playback of the media content);

a generating unit operable to generate section information indicating a section of the content that has been actually used by the content using unit based on the time information of the content (Sull et al. – Page 7, paragraph [0060] recites the client creating bookmarks on the media content, said bookmarks including temporal information); and

a sending unit operable to send the section information to the server apparatus (Sull et al. – Page 7, paragraph [0060] recites the client sending the bookmark to the server).

As to Claim 26, Sull et al. anticipate a content history log collecting method in a content history log collecting system comprising a server apparatus for distributing a

content to a terminal apparatus and collecting a content history log from the terminal apparatus and the terminal apparatus for using the content, the method comprising:

an adding step of adding, to the content, time information indicating a temporal scale of the content in the server apparatus (Sull et al. – Page 7, paragraph [0064] recites the server's calculation of the bookmark position based on the characteristics of the client device. Page 1, paragraph [0008] recites a bookmarked position that indicates a point on a relative time scale of playback of the media from the start point of playback of the media content);

a content using step of using the content sent from the server apparatus in the terminal apparatus (Sull et al. – Page 7, paragraph [0064] recites the server sending multimedia data with bookmarks including temporal information to the client which uses the multimedia data);

a generating step of generating, in the terminal apparatus section information indicating a section in the content that has been actually used by the content using unit based on time information of the content (Sull et al. – Page 7, paragraph [0060] recites the client creating bookmarks on the media content, said bookmarks including temporal information); and

a sending step of sending the section information from the terminal apparatus to the server apparatus (Sull et al. – Page 7, paragraph [0060] recites the client sending the bookmark to the server).

As to Claim 27, Sull et al. anticipate a history log collecting method performed in a server apparatus for distributing a content to the terminal apparatus and collecting a content history log from the terminal server, the method comprising:

an adding step of adding, to the content, time information indicating a temporal scale of the content (Sull et al. – Page 7, paragraph [0064] recites the server's calculation of the bookmark position based on the characteristics of the client device. Page 1, paragraph [0008] recites a bookmarked position that indicates a point on a relative time scale of playback of the media from the start point of playback of the media content);

a content sending step of sending, to the terminal apparatus, the content to which time information is added (Sull et al. – Page 7, paragraph [0064] recites the server sending multimedia data with bookmarks including temporal information to the client); and

a receiving step of receiving section information indicating a section in the content that has been actually used in the terminal apparatus based on a value of time information (Sull et al. – Page 7, paragraph [0060] recites the client sending the bookmark to the server).

As to Claim 28, Sull et al. anticipate a history log collecting method performed in a terminal apparatus that uses a content distributed from a server apparatus, comprising:

a content using step of using a content to which time information indicating a temporal scale of the content is added (Sull et al. – Page 7, paragraph [0064] recites the server sending multimedia data with bookmarks including temporal information to the client which uses the multimedia data. Page 1, paragraph [0008] recites a bookmarked position that indicates a point on a relative time scale of playback of the media from the start point of playback of the media content);

a generating step of generating section information indicating a section in the content that has been actually used in the content using step based on the time information of the content (Sull et al. – Page 7, paragraph [0060] recites the client creating bookmarks on the media content, said bookmarks including temporal information); and

a sending step of sending the section information to the server apparatus (Sull et al. – Page 7, paragraph [0060] recites the client sending the bookmark to the server).

As to Claim 29, Sull et al. anticipate a program for causing a computer to execute distributing a content to a terminal apparatus and collecting a content history log from the terminal apparatus, the program comprising:

an adding step of adding, to the content, time information indicating a temporal scale of the content (Sull et al. – Page 7, paragraph [0064] recites the server's calculation of the bookmark position based on the characteristics of the client device. Page 1, paragraph [0008] recites a bookmarked position that indicates a point on a

relative time scale of playback of the media from the start point of playback of the media content);

a content sending step of sending, to the terminal apparatus, a content to which time information is added (Sull et al. – Page 7, paragraph [0064] recites the server sending multimedia data with bookmarks including temporal information to the client); and

a receiving step of receiving section information indicating a section in the content that has been actually used in the terminal apparatus based on a value of time information (Sull et al. – Page 7, paragraph [0060] recites the client sending the bookmark to the server).

As to Claim 30, Sull et al. anticipate a program for causing a computer to execute collecting a history log in a terminal apparatus that uses a content distributed from a server apparatus, the program comprising:

a content using step of using a content to which time information indicating a temporal scale of the content is added (Sull et al. – Page 7, paragraph [0064] recites the server sending multimedia data with bookmarks including temporal information to the client which uses the multimedia data. Page 1, paragraph [0008] recites a bookmarked position that indicates a point on a relative time scale of playback of the media from the start point of playback of the media content); and

a generating step of generating section information indicating a section in the content that has been actually used by the content using unit based on time information

of the content (Sull et al. – Page 7, paragraph [0060] recites the client creating bookmarks on the media content, said bookmarks including temporal information).

Claim Rejections - 35 USC § 103

8) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10) The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
- 11) Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sull et al. as applied to claim 2 above, and further in view of US 6,415,031 B1 (Colligan et al.).

As to Claim 3, Sull et al. anticipate the content history log collecting system according to Claim 2.

Sull et al do not disclose, but Colligan et al. disclose an invention substantially as claimed, including wherein the time information is added as any of following data:

- (a) program clock reference in transport stream packets;
- (b) presentation time stamp in PES packets;
- (c) decoding time stamp in PES packets;
- (d) private data in transport stream packets; and
- (e) private data in PES packets (Colligan et al. - Column 10, lines 1-3 recite PES packets containing PTS and DTS).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the selective and renewable encryption system including PTS or DTS in PES packets taught by Colligan et al., with the content history log collecting system taught by Sull et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to reduce the amount of encryption and decryption needed while maintaining a high level of security (Colligan et al. – Column 2, lines 8-11).

As to Claim 4, the combination of Sull et al. and Colligan et al. discloses an invention substantially as claimed, including the content history log collecting system according to Claim 3, wherein the server apparatus further includes a content encrypting unit operable to encrypt at least part of the content (Colligan et al. – Figure 5B, item 512 recites the server encrypting), and

the terminal apparatus further includes:

a content decrypting unit operable to decrypt the encrypted content (Colligan et al. – Figure 5B, item 521 recites the decryption of video content); and

the content using unit uses the decrypted content (Sull et al. – Page 7, paragraph [0064] recites the server sending multimedia data with bookmarks including temporal information to the client which uses the multimedia data).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine encryption and decryption taught by Colligan et al., with the content history log collecting system taught by Sull et al.

The motivation and obviousness arguments are the same as in Claim 3.

As to Claim 5, the combination of Sull et al. and Colligan et al. discloses an invention substantially as claimed, including the content history log collecting system according to Claim 4, wherein the server apparatus further includes a binding unit operable to bind the time information to the content (Colligan et al. - Column 10, lines 1-

3 recite PES packets containing time stamps) securely (Colligan et al. – Figure 5B, item 512 recites the server encrypting).

The motivation and obviousness arguments are the same as in Claim 3.

As to Claim 6, the combination of Sull et al. and Colligan et al. discloses an invention substantially as claimed, including the content history log collecting system according to Claim 5, wherein the adding unit adds the time information (Colligan et al. - Column 10, lines 1-3 recite PES packets containing PTS and DTS)

at least to the encrypted part of the content (Colligan et al. – Figure 5B, item 512 recites the server encrypting).

The motivation and obviousness arguments are the same as in Claim 3.

12) Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Sull et al. and Corrigan et al., as applied to claim 5 above, and further in view of US 2002/0031228 A1 (Karkas et al.), and US 2003/0005301 A1 (Jutzi et al.).

As to Claim 7, the combination of Sull et al. and Colligan et al. discloses an invention substantially as claimed, including the content history log collecting system according to Claim 5.

The combination of Sull et al. and Colligan et al. does not disclose, but Karkas et al. disclose an invention substantially as claimed, including wherein the adding unit

adds the time information at least to non-encrypted part of the content (Karkas et al. – Page 4, paragraph [0049] recites time information set into the non-encrypted part of the key content).

The combination of Sull et al. and Colligan et al. does not disclose, but Jutzi et al. disclose an invention substantially as claimed, including the binding unit adds, to the content, a hash value of the time information and at least part of the content (Jutzi et al. – Page 4, paragraph [0042] recites a pre-bound hash value being compared to a hash value generated as part of the decryption process to verify security and allow further decryption to continue).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine including wherein the adding unit adds the time information at least to non-encrypted part of the content taught by Karkas et al., with the adding unit taught by combination of Sull et al. and Colligan et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to provide conditions when the security may or may not be valid (Karkas et al. - Page 4, paragraphs [0048-9]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the binding unit adds, to the content, a hash value of the time information and at least part of the content taught by Jutzi et al., with the binding unit taught by combination of Sull et al. and Colligan et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to provide run-time integrity to access of the secured content (Jutzi et al. – Page 4, paragraph [0042]).

As to Claim 8, the combination of Sull et al., Colligan et al., Karkas et al. and Jutzi et al. discloses an invention substantially as claimed, including the content history log collecting system according to Claim 7, wherein the content decrypting unit performs an error detection based on the hash value and stops decrypting the content in the case where an error is detected (Jutzi et al. – Page 4, paragraph [0042] recites a pre-bound hash value being compared to a hash value generated as part of the decryption process to verify security and allow further decryption to continue. Page 5, paragraph [0053] recites the decryption process stopping on error).

The motivation and obviousness arguments are the same as in Claim 7.

As to Claim 9, the combination of Sull et al., Colligan et al., Karkas et al. and Jutzi et al. discloses an invention substantially as claimed, including the content history log collecting system according to Claim 7, wherein the content decrypting unit performs an error detection based on the hash value, and the generating unit stops generating the section information in the case where an error is detected (Jutzi et al. – Page 4, paragraph [0042] recites a pre-bound hash value being compared to a hash value generated as part of the decryption process to verify security and allow further decryption to continue. Page 5, paragraph [0053] recites the decryption process

stopping on error. If decryption is not allowed to continue, section information will not be generated because the application will not be allowed to run).

The motivation and obviousness arguments are the same as in Claim 7.

As to Claim 10, the combination of Sull et al., Colligan et al., Karkas et al. and Jutzi et al. discloses an invention substantially as claimed, including the content history log collecting system according to Claim 9, wherein the terminal apparatus further includes a collecting unit operable to collect a content history log except the section information,

and the collecting unit generates the content history log indicating that the time information is manipulated (Sull et al. – Page 7, paragraph [0060] recites the client creating bookmarks on the media content, said bookmarks including temporal information)

in the case where the error is detected (Jutzi et al. – Page 5, paragraph [0053] recites the decryption process stopping on detection of error.).

The motivation and obviousness arguments are the same as in Claim 7.

As to Claim 11, the combination of Sull et al. and Colligan et al. discloses an invention substantially as claimed, including the content history log collecting system according to Claim 5, wherein the adding unit adds the time information at least to the non-encrypted part of the content (Karkas et al. – Page 4, paragraph [0049] recites time information set into the non-encrypted part of the key content),

the binding unit generates a new encryption key associating the time information with an encryption key of the content, and the content encrypting unit encrypts the content using the new encryption key (Jutzi et al. – Page 4, paragraph [0042] recites a pre-bound hash value being compared to a hash value generated as part of the decryption process to verify security and allow further decryption to continue).

The motivation and obviousness arguments are the same as in Claim 7.

As to Claim 12, the combination of Sull et al. and Colligan et al. discloses an invention substantially as claimed, including the content history log collecting system according to Claim 5, wherein the adding unit adds the time information at least to the non-encrypted part of the content (Karkas et al. – Page 4, paragraph [0049] recites time information set into the non-encrypted part of the key content), and

the binding unit sets the time information as an initial parameter for encrypting performed by the content encrypting unit (Jutzi et al. – Page 4, paragraph [0042] recites a pre-bound hash value being compared to a hash value generated as part of the decryption process to verify security and allow further decryption to continue).

The motivation and obviousness arguments are the same as in Claim 7.

- 13) Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Sull et al. and Corrigan et al., as applied to claim 5 above, and further in view of US 2003/0005301 A1 (Jutzi et al.).

As to Claim 13, the combination of Sull et al. and Colligan et al. discloses an invention substantially as claimed, including the content history log collecting system according to Claim 5, wherein, the content decrypting unit instructs the generating unit not to generate the section information in one of the case where the content decrypting unit fails to decrypt the content and the case where the content using unit fails to play back the content (Jutzi et al. – Page 5, paragraph [0053] recites the decryption process stopping on detection of error. If decryption fails, playback cannot occur, nor will the opportunity to set bookmarks exist).

The motivation and obviousness arguments are the same as in Claim 7.

- 14) Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Sull et al. and Corrigan et al., as applied to claim 5 above, and further in view of US 6,775,358 B1 (Breitenbach et al.).

As to Claim 14, the combination of Sull et al. and Colligan et al. discloses an invention substantially as claimed, including the content history log collecting system according to Claim 5, wherein the terminal apparatus further includes a collecting unit operable to collect a content history log except the section information, and the content decrypting unit instructs the collecting unit to record a history log indicating that the decryption failed in one of the case where the content decrypting unit fails to decrypt the content and the case where the content using unit fails to play back the content

(Breitenbach et al. – Column 2, lines 62-63 recite a log that collects playback information as well as error events).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine a collecting unit operable to collect a content history log except the section information, and the content decrypting unit instructs the collecting unit to record a history log indicating that the decryption failed in one of the case where the content decrypting unit fails to decrypt the content and the case where the content using unit fails to play back the content taught by Breitenbach et al., with the content history log collecting system taught by Sull et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to provide a means to track usage for billing purposes and to assist in resuming playback (Breitenbach et al. - Column 3, lines 1-13).

15) Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sull et al., as applied to claim 2 above, and further in view of US 6,775,358 B1 (Breitenbach et al.).

As to Claim 16, Sull et al. anticipate the content history log collecting system according to Claim 2, wherein the terminal apparatus further includes a collecting unit operable to collect a content history log except the section information, and the collecting [collecting] unit, in the case where content special playback is performed in the content using unit, records a history log indicating that the special playback is performed

(Breitenbach et al. – Column 2, lines 62-63 recite a log that collects playback information as well as error events).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the terminal apparatus further includes a collecting unit operable to collect a content history log except the section information, and the collecting [collecting] unit, in the case where content special playback is performed in the content using unit, records a history log indicating that the special playback is performed taught by Breitenbach et al., with the content history log collecting system taught by Sull et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to provide a means to track usage for billing purposes and to assist in resuming playback (Breitenbach et al. - Column 3, lines 1-13).

As to Claim 17, the combination of Sull et al. and Breitenbach et al. discloses an invention substantially as claimed, including the content history log collecting system according to Claim 16, wherein the collecting unit, when the content is being used in the content using unit, obtains the values of time information in sequence (Breitenbach et al. – Column 2, lines 62-63 recite a log that collects playback information as well as error events), and

detects that special playback is being performed on the content based on a difference of said values spaced at certain distances (Sull et al. – Page 7, paragraph [0060] recites the client sending the bookmark to the server. Bookmarks are defined as a relative position from a difference of two points).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the collecting unit, when the content is being used in the content using unit, obtains the values of time information in sequence taught by Breitenbach et al., with the content history log collecting system taught by Sull et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to provide a means to track usage for billing purposes and to assist in resuming playback (Breitenbach et al. - Column 3, lines 1-13).

As to Claim 18, the combination of Sull et al. and Breitenbach et al. discloses an invention substantially as claimed, including the content history log collecting system according to Claim 16, wherein the content using unit, when special playback is being performed on the content, notifies the collecting unit that special playback is being performed (Breitenbach et al. – Column 2, lines 62-63 recite a log that collects playback information as well as error events).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the content using unit, when special playback is being performed on the content, notifies the collecting unit that special playback is being performed taught by Breitenbach et al., with the content history log collecting system taught by Sull et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to provide a means to track usage for billing purposes and to assist in resuming playback (Breitenbach et al. - Column 3, lines 1-13).

- 16) Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sull et al., as applied to claim 2 above, and further in view of US 2001/0011253 A1 (Coley et al.).

As to Claim 19, Sull et al. anticipate the content history log collecting system according to Claim 2, and

together with the section information (Sull et al. – Page 7, paragraph [0060] recites the client sending the bookmark to the server).

Sull et al. do not disclose, but Coley et al. disclose an invention substantially as claimed, including wherein the sending unit sends a license ID concerning the content to the server apparatus (Coley et al. – Page 10, paragraph [0087] recites the use of license ID to identify the client).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine license ID taught by Coley et al., with the sending of the section information taught by Sull et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to provide a more efficient means with which to track and communicate information regarding a particular license (Coley et al. – Page 10, paragraph [0087]).

As to Claim 20, Sull et al. anticipate the content history log collecting system according to Claim 2, and

together with the section information (Sull et al. – Page 7, paragraph [0060] recites the client sending the bookmark to the server).

Sull et al. do not disclose, but Coley et al. disclose an invention substantially as claimed, including wherein the sending unit sends a use condition ID concerning the content to the server apparatus together with the section information (Coley et al. – Page 8, paragraph [0072] recites the sending of the authorization ID. Authorization is a use condition).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine use condition ID taught by Coley et al., with the sending of the section information taught by Sull et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to provide a means to disable the client's use if not authorized (Coley et al. – Page 8, paragraph [0073]).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- US 6,952,521 B2 – Methods and Apparatus for Editing Digital Video Recordings, and Recordings Made by Such Methods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard G. Keehn whose telephone number is 571-270-

5007. The examiner can normally be reached on Monday through Thursday, 8:30am - 7:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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RGK

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